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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Annette-Lynn McKenna,

No. CV-22-08016-PCT-SPL

9 Plaintiff,

ORDER

10 vs.

11 HP Incorporated, et al.,

12 Defendants.
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15 Before the Court is Plaintiff's Complaint (Doc. 1), which the Court reviews *sua*
16 *sponte* for subject matter jurisdiction. *See Nevada v. Bank of Am. Corp.*, 672 F.3d 661,
17 673 (9th Cir. 2012); *Franklin v. Murphy*, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984),
18 *abrogated on other grounds by Neitzke v. Williams*, 490 U.S. 319 (1989). While the
19 particular factual basis for the Complaint is muddled and impossible for the Court to
20 summarize, Plaintiff's underlying grievance is with COVID-19 vaccines. Plaintiff names
21 101 Defendants—including the President of the United States, the governors of 48 states
22 and two U.S. territories, other state and federal officials, several public health experts, a
23 spattering of pharmaceutical company executives, and a host of people associated with
24 HP, Inc., among others—as well as up to 20,000,000 fictional defendants who may have
25 acted in concert with them. Plaintiff alleges 26 counts ranging from fraud and conversion
26 to genocide and international terrorism. Plaintiff seeks a permanent injunction and \$162
27 billion in damages. (Doc. 1).

28 Federal courts are courts of limited jurisdiction, so a party that brings a case in

1 federal court must establish that the court has jurisdiction to hear the case under the
 2 Constitution or by statute. *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024, 1027
 3 (9th Cir. 2011). “If facts giving the court jurisdiction are set forth in the complaint, the
 4 provision conferring jurisdiction need not be specifically pleaded.” *Id.*

5 Nonetheless, the Court will begin by examining the basis for jurisdiction asserted
 6 in Plaintiff’s Complaint, which is diversity jurisdiction pursuant to Article III, Section 2
 7 of the Constitution and 28 U.S.C. § 1332. Diversity jurisdiction exists when a case is
 8 between citizens of different states and the amount in controversy exceeds \$75,000. 28
 9 U.S.C. § 1332. There must be complete diversity of citizenship, meaning the plaintiff
 10 must be a citizen of a different state than each defendant. *Allstate Ins. Co. v. Hughes*, 358
 11 F.3d 1089, 1095 (9th Cir. 2004).

12 It seems that Plaintiff’s Complaint attempts to obscure the determination of her
 13 citizenship, referring to Plaintiff at various times as a “non-person, non-citizen, non-
 14 resident . . . non-participant in any government programs, a living flesh and blood woman
 15 standing on the ground”; a holder-in-due-course of documentation of a trust entity
 16 representing a corporate fiction sharing her name; a “‘transient foreigner’ without legal
 17 domicile”; and a “‘stateless person’ . . . outside any/all general jurisdiction of the federal
 18 government.” (Doc. 1 at 7–8). These descriptions are nonsensical. All indications suggest
 19 that Plaintiff is a person, and even if Plaintiff were not a person, it would then need an
 20 attorney to represent it before the Court. *See Curry v. GMAC Mortg.*, No. CV 10-08014
 21 MMM (PLAx), 2010 WL 4553503, at *2 (C.D. Cal. Nov. 3, 2010) (“While 28 U.S.C.
 22 § 1654 permits ‘parties’ to prosecute cases *pro se*, this privilege does not extend to non-
 23 persons.”).

24 Having disposed of the notion that Plaintiff is not a person, the Court also disposes
 25 of the notion that Plaintiff lacks citizenship or domicile. Courts have “repeatedly and
 26 emphatically rejected” such sovereign-citizen-type assertions. *Farrell v. Internal Revenue*
 27 *Serv.*, No. CV-21-00697-PHX-DGC, 2021 WL 4748778, at *3 (D. Ariz. Oct. 12, 2021).
 28 Based on Plaintiff’s Arizona address, it is apparent that she is an Arizona citizen. *See Bey*

1 *v. Geiser*, No. EDCV 19-844 JGB (SHKx), 2019 WL 4422678, at *2 (C.D. Cal. July 24,
2 2019). Certainly, Defendant Ducey, the Governor of Arizona, is also an Arizona citizen.
3 Because Plaintiff shares citizenship with at least one Defendant, this Court does not have
4 diversity jurisdiction.

5 The Court will proceed to consider whether it has federal question jurisdiction.
6 Under 28 U.S.C. § 1331, federal courts have jurisdiction over cases “arising under”
7 federal law. Here, Plaintiff’s claims can be sorted into three categories: (1) constitutional
8 claims, (2) federal criminal claims, and (3) state-law tort claims. The third category
9 plainly does not arise under federal law, but rather under state law. The second category
10 is also insufficient to establish federal question jurisdiction, because none of the federal
11 criminal statutes that Plaintiff cites create a private right of action. *See Riley v. Quality*
12 *Loan Serv. Corp.*, No. 3:18-cv-1297-WQH-AGS, 2019 WL 157838, at *1 (S.D. Cal. Jan.
13 10, 2019) (finding a criminal statute that does not create a private right of action “cannot
14 support the exercise of federal question jurisdiction”).

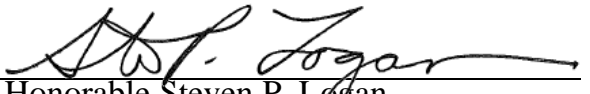
15 Finally—and the Court could have dismissed the entire Complaint for lack of
16 subject matter jurisdiction on this basis alone—Plaintiff’s constitutional claims are
17 “essentially fictitious, wholly insubstantial, obviously frivolous, and obviously without
18 merit” such that they fail to invoke the jurisdiction of this Court. *Hagan v. Lavine*, 415
19 U.S. 528, 536–37 (1974) (internal quotation marks and citations omitted). It is difficult to
20 capture just how baseless Plaintiff’s claims are. Plaintiff makes no effort to specify how
21 the allegations in the Complaint amount to a constitutional violation, instead making
22 conclusory assertions that unspecified “edicts” enacted and enforced by Defendants
23 violate the rights protected by the First, Second, Fourth, Fifth, Eighth, Ninth, Tenth, and
24 Thirteenth Amendments. Again, the underlying basis for Plaintiff’s Complaint is not
25 firearms, not state sovereignty, not slavery, but her opposition to COVID-19 vaccines,
26 and the Complaint fails to present any inkling that any Defendant—much less all of the
27 Defendants—have violated the Constitution. In fact, when alleging each count, the
28 Complaint merely refers to “Defendants” collectively—a disparate group that includes

1 the President, 50 governors, federal officials, state officials, public health experts,
2 pharmaceutical executives, and HP, Inc. board members and employees. The Complaint
3 wholly fails to allege any actionable claim under federal law. Thus, the Court finds no
4 basis for subject matter jurisdiction and must dismiss the Complaint. The Court need not,
5 and will not, grant leave to amend. *Cf. Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir.
6 2000). Accordingly,

7 **IT IS ORDERED** that the Complaint is **dismissed without prejudice**. The Clerk
8 of Court shall enter judgment accordingly and **terminate** this action.

9 **IT IS FURTHER ORDERED** that all pending motions are **denied as moot**.

10 Dated this 4th day of February, 2022.

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12 Honorable Steven P. Logan
13 United States District Judge
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